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Notice of Allowability	Application No.	Applicant(s)	
	09/897,573	MARKLE ET AL.	
	Examiner	Art Unit	
	Gordon J. Stock	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to amendment received 5/4/07.
- 2. ☒ The allowed claim(s) is/are 1-47.
- 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. The Amendment received on May 4, 2007 has been entered into the record.

Allowable Subject Matter

2. **Claims 1-47** are allowed.

The following is an examiner's statement of reasons for allowance:

As to **claim 1**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining step, in combination with the rest of the limitations of **claims 1, 3, 5, 7-10**.

As to **claim 3**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions determining the dimension of the grid based on the grid dimension metric, in combination with the rest of the limitations of **claim 3**.

As to **claim 4**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining at least one parameter of an operating recipe of an etch tool, in combination with the rest of the limitations of **claim 4**.

As to **claim 6**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining at least one parameter of an operating recipe of a photolithography tool, in combination with the rest of the limitations of **claim 6**.

As to **claim 11**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions determining the dimension of the

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grid based on the grid dimension metric, in combination with the rest of the limitations of **claims 11, 12, 14, 16-18**.

As to **claim 13**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining at least one parameter of an operating recipe of an etch tool, in combination with the rest of the limitations of **claim 13**.

As to **claim 15**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining at least one parameter of an operating recipe of a photolithography tool, in combination with the rest of the limitations of **claim 15**.

As to **claim 19**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining step, in combination with the rest of the limitations of **claims 19, 20, 22, 24-26**.

As to **claim 21**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining at least one parameter of an operating recipe of an etch tool, in combination with the rest of the limitations of **claim 21**.

As to **claim 23**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a method for determining grid dimensions the particular determining at least one parameter of an operating recipe of a photolithography tool, in combination with the rest of the limitations of **claim 23**.

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As to **claim 27**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a metrology tool the particular data processing unit, in combination with the rest of the limitations of **claims 27-31**.

As to **claim 32**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a processing line the particular controller and data processing unit, in combination with the rest of the limitations of **claims 32-36, and 39**.

As to **claim 37**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a processing line the particular controller, in combination with the rest of the limitations of **claim 37**.

As to **claim 38**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a processing line the particular controller and data processing unit, in combination with the rest of the limitations of **claim 38**.

As to **claims 40-41**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a metrology tool the particular data processing unit, in combination with the rest of the limitations of **claims 40-41**.

As to **claim 42**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a test structure 'wherein said grid to provide for reflecting light as a result of illuminating at least a portion of the grid such that a reflection profile may be generated using said reflecting light,' in combination with the rest of the limitations of **claims 42-44**.

As to **claim 45**, the prior art of record, taken alone or in combination, fails to disclose or render obvious in a metrology tool the particular means for determining a dimension of the grid, in combination with the rest of the limitations of **claims 45-47**.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments, see Remarks pages 20-24, filed May 4, 2007, with respect to the rejection(s) of **claims 42-44** under 35 U.S.C. 103(a) and **claims 1-26** under 35 U.S.C. 101 have been fully considered and are persuasive. Therefore, the previous rejections have been withdrawn.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent 4,712,881 to Shurtz, II et al. (specifically, Fig. 1)

U.S. Patent 5,294,975 to Norman et al. (specifically, Figs. 2 and 3)

U.S. Patent 6,100,985 to Scheiner et al. (specifically, Figs. 2-7)

U.S. Patent 6,187,488 to Hayasaki et al.

U.S. Patent 6,476,920 to Scheiner et al. (specifically, Figs. 2-7)

U.S. Patent 6,515,751 to Craighead et al. (specifically, Fig. 16)

Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the fax cover sheet; and

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2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (571) 273-8300

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (571) 272-2431.

The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

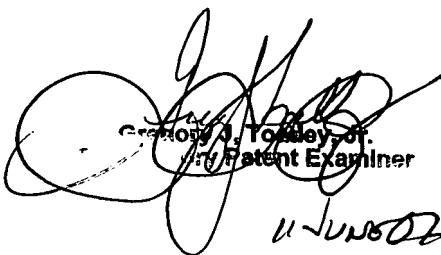
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr., can be reached at 571-272-2800 ext 77.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gs

June 8, 2007

Gregory J. Toatley, Jr.
Supervisory Patent Examiner
Art Unit 2877


Gregory J. Toatley, Jr.
Supervisory Patent Examiner
11-JUN-07